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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

HOOD RIVER VALLEY RESIDENTS  
COMMITTEE, an Oregon non-profit  
corporation; MIKE MCCARTHY, individually;  
HOOD RIVER COUNTY by and through the  
BOARD OF COUNTY COMMISSIONERS  
OF HOOD RIVER COUNTY, an Oregon  
municipal corporation; & MT. HOOD  
MEADOWS OREGON, LLC, an Oregon LLC;  
CLACKAMAS COUNTY, by and through the  
BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, a political  
subdivision of the State of Oregon,

*Plaintiffs,*

v.

JIM PEÑA, Regional Director of Region 6 of  
the Forest Service; LISA NORTHROP,  
Supervisor, Mt. Hood National Forest;  
THOMAS L. TIDWELL, Chief of the Forest  
Service; and the UNITED STATES FOREST  
SERVICE, an administrative agency of the U.S.  
Department of Agriculture,

*Defendants.*

Case No.: 3:15-cv-01397-BR

**DEFENDANTS' NOTICE OF  
LODGING OF THIRD SUPPLEMENT  
TO THE ADMINISTRATIVE RECORD**

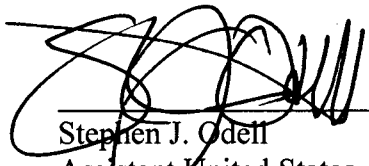
Pursuant to 5 U.S.C. Section 706, Defendants hereby give notice of their lodging with the Court this date their third supplement to the administrative record underlying the various administrative tasks, activities, and constituent steps in which the agency has continued to engage so as to implement the congressionally directed and conditioned land exchange with Mt. Hood Meadows Oregon, LLC, pursuant to Section 1206 of the Omnibus Public Land Management Act of 2009 Pub. L. 111-11, the completion of which Plaintiffs seek to have this Court compel under 5 U.S.C. § 706(1) in the above-captioned action. The items comprising this third supplement to the record are in addition to the materials that Defendants have previously lodged with the Court as part of the administrative record as originally lodged (Dkt. #31) and the first and second supplements to the administrative record (Dkt. ## 40 & 45). Also, Defendants would again provide notice that, because Plaintiffs' remaining viable claim involves an alleged "unreasonable delay" to carry out one or more of what they assert to be "agency actions" under the Administrative Procedure Act, the administrative record does not have a "closing date," and thus, Defendants may need to further supplement the administrative record at least once more as the Forest Service continues with its ongoing efforts to work with Plaintiff Mt. Hood Meadows and complete the land exchange.

The materials comprising the third supplement to the administrative record upon which the Court is to carry out its review of Plaintiff's claim, which have been consecutively paginated from 3rd Supp AR 00001-4089, as well as the index to the supplement are provided in electronic form on the disc enclosed in the attached plastic sheath. Defendants believe lodging of these supplemental record materials in this form is consistent with LR 100 given that such materials do not constitute attachments or exhibits, as referenced in LR 100-2, as well as the fact that they are being lodged, not filed. Lodging of administrative record materials on

disc is also consistent with the practice that federal agencies have regularly followed in this Court even after amendment of LR 100 in December 2009 in cases seeking judicial review of agency actions. *See, e.g., Central Oregon Landwatch v. Connaughton*, 6:13-cv-2027-AA (Dkt. # 53)(Dec. 18, 2013); *Deer Ck. Valley Nat. Res. Conserv. Ass'n v. BLM*, 6:12-cv-1596-CL (Dkt. # 13)(Dec. 3, 2012); *Brown v. Vilsack*, 3:11-cv-895-ST (Dkt. #10)(Mar. 30, 2012); *Oregon Nat. Res. Council Fund v. Connaughton*, 1:5-cv-3004-PA (Dkt. #252)(Feb. 15, 2012); *Downer v. U.S. Dep't of the Interior*, 11-cv-816-SU (Dkt. # 18)(Dec. 27, 2011); *ONDA v. BLM*, 08-cv-1271-KI (Dkt. # 28)(Oct. 12, 2010); *ONDA v. Freeborn*, 06-cv-1311-MO (Dkt. # 70)(June 15, 2010); *Navickas v. Conroy*, 10-cv-3004-CL (Dkt. # 11)(June 24, 2010).

In conjunction with lodging the third supplement to the administrative record, Defendants are also electronically filing this same date the Declaration of Christopher D. Emmerich (Dkt. #) in which he certifies the contents of the supplemental materials.

Respectfully submitted this 21st day of June 2016.



Stephen J. Odell  
Assistant United States Attorney  
Of Attorneys for Defendants

FOREST SERVICE'S  
THIRD SUPPLEMENTAL ADMINISTRATIVE RECORD  
FOR THE COOPER SPUR / GOV. CAMP LEX  
MT. HOOD NATIONAL FOREST



06/20/2016



Hood River Valley Residents Committee, et al. v.  
U.S. Forest Service, et al.  
3:15-cv-01397-BR (D.OR.)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I made service of the foregoing DEFENDANTS' NOTICE OF LODGING OF THIRD SUPPLEMENT TO THE ADMINISTRATIVE RECORD, as well as the single disc containing the materials comprising that supplement and the index thereto, that are enclosed in a protective plastic sheath attached to the notice, this 21st day of June 2016 by the following respective methods noted below for each of the identified counsel of record:

By hand delivery of each of the above-referenced items to the following Plaintiffs' counsel:


Ralph Bloemers  
Christopher G. Winter  
Crag Law Center  
917 S.W. Oak Street, Suite 417  
Portland, OR 97205

Jonathan Radmacher  
J. Kurt Kraemer  
McEwen Gisvold LLP  
1100 S.W. Sixth Ave., Suite 1600  
Portland, OR 97204

By placing each of the above-referenced items into the U.S. mail in Portland, Oregon, with postage paid for first-class delivery, addressed to the following Plaintiffs' counsel:

Wilford K. Carey  
Victor VanKoten  
Annala, Carey, Baker, Thompson & VanKoten, PC  
PO Box 325  
Hood River, OR 97031

Stephen Madkour  
Clackamas County Counsel  
2051 Kaen Road  
Oregon City, OR 97045

  
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KEITH RAMSEY  
Legal Assistant  
Office of the United States Attorney